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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 NGOT TUONG,

9 Petitioner,

10 v.

11 JEFFERSON SESSIONS, et al.,

12 Respondents.

Case No. C17-1803-TSZ-JPD

REPORT AND RECOMMENDATION

13
14 Petitioner Ngot Tuong, who is currently detained by U.S. Immigration and Customs
15 Enforcement at the Northwest Detention Center in Tacoma, Washington, has filed an application
16 to proceed *in forma pauperis* (“IFP”), a proposed petition for writ of habeas corpus under 28
17 U.S.C. § 2241, a motion to appoint the Office of the Federal Public Defender (“FPD”) as his
18 counsel, and a letter of support from the FPD. *See* Dkts. 1, 1-1, 1-2, and 1-3. Petitioner’s IFP
19 application indicates that he has approximately \$150.00 in his prison trust account, and review of
20 his prison trust account statement shows that he regularly has over \$100.00 in his account. Dkt.
21 1 at 2-7.

22 While the Court recognizes that petitioner’s funds may not be great, it is not unreasonable
23 to expect petitioner to pay the minimal filing fee required to proceed with this action (\$5.00)

1 given the fact that his basic needs are provided for while he is detained. Accordingly, the Court
2 recommends that petitioner's application to proceed IFP, Dkt. 1, be DENIED, and that he be
3 directed to pay the \$5.00 filing fee to proceed with this action. A proposed Order accompanies
4 this Report and Recommendation.

5 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
6 served upon all parties to this suit by no later than **December 27, 2017**. Failure to file objections
7 within the specified time may affect your right to appeal. Objections should be noted for
8 consideration on the District Judge's motion calendar for the third Friday after they are filed.
9 Responses to objections may be filed within **fourteen (14)** days after service of objections. If no
10 timely objections are filed, the matter will be ready for consideration by the District Judge on
11 **December 29, 2017**.

12 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
13 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
14 assigned District Judge acts on this Report and Recommendation.

15 Dated this 6th day of December, 2017.

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18 JAMES P. DONOHUE
Chief United States Magistrate Judge